

1 MORRISON & FOERSTER LLP
2 MICHAEL A. JACOBS (Bar No. 111664)
mjacobs@mofo.com
3 MARC DAVID PETERS (Bar No. 211725)
mdpeters@mofo.com
4 DANIEL P. MUINO (Bar No. 209624)
dmuino@mofo.com
5 755 Page Mill Road, Palo Alto, CA 94304-1018
Telephone: (650) 813-5600 / Facsimile: (650) 494-0792

6 BOIES, SCHILLER & FLEXNER LLP
7 DAVID BOIES (Admitted *Pro Hac Vice*)
dboies@bsflp.com
8 333 Main Street, Armonk, NY 10504
Telephone: (914) 749-8200 / Facsimile: (914) 749-8300
9 STEVEN C. HOLTZMAN (Bar No. 144177)
sholtzman@bsflp.com
10 1999 Harrison St., Suite 900, Oakland, CA 94612
Telephone: (510) 874-1000 / Facsimile: (510) 874-1460
11 ALANNA RUTHERFORD
575 Lexington Avenue, 7th Floor, New York, NY 10022
Telephone: (212) 446-2300 / Facsimile: (212) 446-2350 (fax)

12
13 ORACLE CORPORATION
14 DORIAN DALEY (Bar No. 129049)
dorian.daley@oracle.com
15 DEBORAH K. MILLER (Bar No. 95527)
deborah.miller@oracle.com
16 MATTHEW M. SARBORARIA (Bar No. 211600)
matthew.sarboraria@oracle.com
17 500 Oracle Parkway, Redwood City, CA 94065
Telephone: (650) 506-5200 / Facsimile: (650) 506-7114

18 *Attorneys for Plaintiff*
ORACLE AMERICA, INC.

19
20 **UNITED STATES DISTRICT COURT**
21 **NORTHERN DISTRICT OF CALIFORNIA**
22 **SAN FRANCISCO DIVISION**

23 ORACLE AMERICA, INC.

Case No. CV 10-03561 WHA

24 Plaintiff,

**ORACLE AMERICA, INC.’S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL PORTIONS OF ITS
MOTION TO STRIKE PORTIONS OF THE
SUPPLEMENTAL EXPERT REPORT OF
DR. ALAN J. COX**

25 v.
GOOGLE, INC.

26 Defendant.
27
28 Dept.: Courtroom 9, 19th Floor
Judge: Honorable William H. Alsup

1 Plaintiff Oracle America, Inc. (“Oracle”) hereby moves to file portions of Oracle America,
2 Inc.’s Motion to Strike Portions of the Supplemental Expert Report of Dr. Alan J. Cox, as well as
3 exhibits A and B to the accompanying Declaration of Meredith Dearborn, under seal.

4 Oracle moves to seal material on page 3–4 and 12 of that motion. The redacted material
5 reflects information gleaned from Sun and Oracle internal documents that discuss Sun’s Java licensing
6 business, strategy, competitiveness, and trending. (Declaration of Andrew Temkin Regarding Google,
7 Inc.’s Administrative Motion to File Under Seal (Dkt. No. 717) And Oracle America, Inc.’s Filings Of
8 Feb. 24, 2012 (“Temkin Declaration”), ¶¶ 13–14.) Disclosure of this analysis of confidential, internal
9 information about competitive strategy and Java licensing trends could unfairly advantage Oracle’s
10 competitors. For the reasons stated in the Temkin Declaration, that material should remain under seal.

11 The remaining material has been designated by Google, Inc. (“Google”), not Oracle. The Order
12 Approving Stipulated Protective Order Subject to Stated Conditions entered in this case (Dkt. No. 68)
13 dictates that when material has been designated as Confidential or Highly Confidential – Attorney’s
14 Eyes Only, a party may not file it in the public record, but must seek to file it under seal pursuant to
15 Local Rule 79-5. (December 17, 2010 Stipulated Protective Order (Docket No. 66) § 14.4.)
16 Accordingly, Oracle seeks to file under seal those portions of the motion and declarations in support
17 thereof referencing documents that Google has designated Confidential or Highly Confidential –
18 Attorneys’ Eyes Only. Oracle states no position as to whether disclosure of materials marked by Google
19 as Confidential or Highly Confidential – Attorneys’ Eyes Only material would cause harm to Google.

20
21 Dated: February 24, 2012

BOIES, SCHILLER & FLEXNER LLP

23 By: /s/ Steven C. Holtzman
24 Steven C. Holtzman

25 *Attorneys for Plaintiff*
ORACLE AMERICA, INC.